

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION  
IN ADMIRALTY

Civil Action No.: 2:21-cv-02583-BHH

IN THE MATTER OF THE PETITION  
CROSS STATE TOWING COMPANY, AS  
OWNER OF TUG MISS SARAH AND  
BARGE MRL74 FOR EXONERATION  
FROM OR LIMITATION OF LIABILITY

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**ORDER APPROVING STIPULATION  
FOR VALUE AND FOR COSTS,  
DIRECTING ISSUANCE OF NOTICE  
AND RESTRAINING SUITS**

A Petition was filed on August 11, 2021 by Petitioners, Cross State Towing Company, as owners of the Tug Miss Sarah (U.S. Coast Guard Official Number 290297) and the Barge MRL74 (U.S. Coast Guard Official Number 632115) (the “Vessels”), for Exoneration from or Limitation of Liability pursuant to 46 U.S.C. §§ 30501-30512 and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, for any loss of life, bodily injury, property damage and/or other loss arising out of the allision between the Vessels and the J. E. McTeer Bridge in Beaufort County, South Carolina on or about February 11, 2021;

Petitioner has plead plausible facts to state a claim for the relief requested;

Petitioner further indicated that Tug Miss Sarah is worth \$150,000.00, the Barge MRL74 is worth \$550,000.00 and there was \$172,000.00 in freight pending, which was due and payable to Petitioner at the time of the incident. Accordingly, the amount of the limitation fund to be established for the benefit of any claimant is \$872,000.00; and

Petitioner has deposited with the Court as security for the benefit of claimants, a Letter of Undertaking dated August 11, 2021, in the amount of \$872,000.00, plus costs and interest at the rate of six percent (6%) per annum.

**IT IS HEREBY ORDERED:**

1. The above-described Letter of Undertaking is hereby approved as security for the benefit of all claimants;
2. The Court, upon motion, shall cause due appraisalment of the value of Vessels after the incident, and/or the appropriate amount of the limitation fund, and may thereupon order said security increased or reduced if it finds the amount thereof insufficient or excessive;
3. A notice shall be issued by the Clerk of this Court on the form filed herein to all persons or entities asserting claims with respect to which the Petition seeks exoneration or limitation admonishing them to file their respective claims with the Clerk of this Court in writing and to serve on the attorney for Petitioner a copy thereof on or before the November 1, 2021, or be barred from bringing such claims, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, any persons or entities shall file and serve on attorney for Petitioner an Answer to the Petition on or before said date, unless any persons or entities' claim has included an Answer to the Petition, so designated, or be barred from bringing such action;
4. The aforesaid notice shall be published by the Petitioner in The Post and Courier once a week for 4 successive weeks prior to the date fixed by the Court for the filing of claims as provided by Rule F;
5. Copies of the notice shall also be mailed by Petitioner in accordance with Rule F to the state South Carolina Highway Department and any other potential claimants;

6. The further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution hereafter of any and all suits, actions or proceedings, of any nature or description whatsoever, in any jurisdiction, and the taking of any steps and the making of any motion in such actions, suits or proceedings against Petitioner, the Vessels, or Petitioner's property and its underwriters, excepting this action, to recover damages for in respect of any loss of life, bodily injury, property damage and/or other loss caused by or resulting from the incident, occasioned or incurred as a result of arising out of the allision between the Vessels and the J. E. McTeer Bridge in Beaufort County, South Carolina on or about February 11, 2021, as alleged in the Petition, be and they hereby are restrained, stayed and enjoined until a hearing and determination of this action; and
7. Service of this Order as a restraining order may be made through the U.S. Post Office by mailing a copy thereof to the persons restrained, or to their respective attorneys or, alternatively, by hand.

s/ Bruce Howe Hendricks  
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Bruce Howe Hendricks  
UNITED STATES DISTRICT JUDGE

August 19, 2021  
Charleston, South Carolina